

**REMARKS****Allowable Subject Matter**

Claims 6-13 and 26 have been indicated as being allowed.

**Claim Rejection Under 35 U.S.C. § 102**

Claims 1, 3-5, 14, 15, 17 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,944,658 to Koros et al. The rejection is respectfully traversed.

A unique feature of the present invention is that distraction may be accomplished using the retractor blades as they are positioned during the retraction. See FIGs. 12-14. Independent claims 1 and 14 distinguish Koros et al. at least by the required anchor having "a second end suitable for engagement with a distractor when the first end is anchored into bone."

Claims 3 and 17 have been deleted as they were dependent claims requiring the anchor comprise "a second end suitable for engagement with a distractor."

Claims 4, 5, 15 and 18, dependent upon their respective independent claims 1 and 14, are believed to be patentable for at least the same reasons discussed above for claims 1 and

Z:\GA\Clients\Dept Neurosurgery\06\R2ndOA.wpd

Express Mail No. EV 291 455 543 US

14.

**1<sup>st</sup> Claim Rejection Under 35 U.S.C. § 103**

Claims 1, 3-5, 14, 15, 17-19 and 21-25, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayer in view of U.S. Patent No. 5,944,658 to Koros et al. The rejection is respectfully traversed.

Independent claims 1, 14 and 19 are all patentable over Mayer in view of Koros et al. at least for the required anchor having "a second end suitable for engagement with a distractor when the first end is anchored into bone."

Neither Koros nor Mayer disclose or suggest a surgical retractor with an anchorable retractor blade in which a retractor may then be engaged to the anchor.

Dependent claims 3-5, 15, 17, 18, and 21-25, dependent upon their respective independent claims 1, 14 and 19, are believed to be patentable for at least the same reasons discussed above for claims 1, 14 and 19.

Z:\GA\Clients\Dept Neurosurgery\06\R2ndOA.wpd

Express Mail No. EV 291 455 543 US

**2<sup>nd</sup> Claim Rejection Under 35 U.S.C. § 103**

Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koros et al. In view of U.S. Patent No. 6,302,842 to Auerbach et al. The rejection is respectfully traversed.

Dependent claims 2 and 16, dependent upon their respective independent claims 1 and 14, are believed to be patentable for at least the same reasons discussed above for claims 1 and 14.

**3<sup>rd</sup> Claim Rejection Under 35 U.S.C. § 103**

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayer in view of Koros et al., as applied to claim 19 above, and further in view of Auerbach et al. The rejection is respectfully traversed.

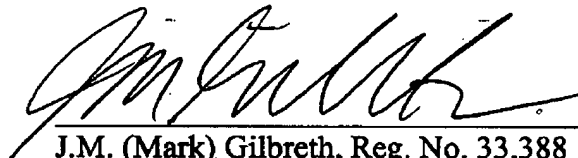
Dependent claim 20, dependent upon independent claim 19, is believed to be patentable for at least the same reasons discussed above for claims 19.

In view of the above Amendments and Remarks, prompt allowance of all pending claims is respectfully requested.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney J. M. (Mark) Gilbreth or applicant's agent Mary Gilbreth, at (713) 667-1200.

Respectfully submitted,

Date: June 25, 2004

  
J.M. (Mark) Gilbreth, Reg. No. 33,388  
Attorney for Applicant

**CORRESPONDENCE ADDRESS:**

GILBRETH & ASSOCIATES, P.C.  
P.O. Box 2428  
Bellaire, TX 77402-2428  
Ph. 713/667-1200  
Fax. 713/667-4424